TRG
Docket No: 5882-98
31 May 2000

Dear ████████████

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 31 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 7 October 1948 at age 18. You were honorably discharged on 13 June 1950 so that you could accept an appointment as a midshipman at the United States Naval Academy (USNA). There is nothing in this record concerning your time at the USNA.

As you know, the Board has not been able to obtain your personnel record from the USNA, and you have submitted the only documentation available to the Board concerning your service at the USNA.

You have submitted a copy of a DD Form 214 showing that on 23 July 1952 you were discharged from the USNA under other than honorable conditions. The discharge authority is indicated to be a 22 July 1952 letter from the Secretary of the Navy. You have also submitted a 1 August 1952 letter from the Commandant of Midshipmen to your mother which states as follows:

> ... I know that this has been a great disappointment to you, as it was to your son; and I can truly sympathize with you, and regret the unfortunate circumstances that

caused this situation. He acquitted himself well while here at the Academy. ....

You state in your application that you were asked to resign from the USNA for an incident that occurred when you were an 18 year old enlisted man. You feel an injustice has been done because you served honorably at the Academy.

On 8 February 2000 the Board sent you a letter informing you of the records problem and requesting that you submit any documentation in your possession concerning this matter. You were also informed that a presumption of regularity attaches to all official records and in the absence of relevant documentation, the Board will normally assume that the record is correct.

In your response, you have provided copies of several letters which essentially informed you that the discharge was final but you could request recharacterization of the discharge by submitting an application to the Board of Review, Discharge and Dismissals (BRDD). However, you have not provided a statement, a copy of the BRDD decisional document, or anything else concerning the reason for your discharge from the USNA.

The Board regretfully concluded that in the absence of records or a complete submission by you, it must be assumed that the discharge under other than honorable conditions was proper and in accordance with regulations then in effect. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

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